

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DIEGO TIJERINA,

Plaintiff,

-vs-

NO: 1:20-CV-00706 JAP/JHR

STATE OF NEW MEXICO CORRECTIONS DEPARTMENT, CHRIS
MARQUEZ and JOSE CORDERO,

Defendants.

REMOTE ZOOM DEPOSITION OF CHRIS MARQUEZ

November 24, 2020

10:00 a.m.

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: ALYSSA D. QUIJANO
ATTORNEY FOR PLAINTIFF

REPORTED BY: Jan Gibson, CCR, RPR, CRR
Paul Baca Court Reporters
500 Fourth Street, NW - Suite 105
Albuquerque, New Mexico 87102

PAUL BACA OFFICIAL COURT REPORTER



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- 1 Q. Okay. And you said that's plexiglass
2 then, the separation?
- 3 A. It's a metal -- I don't know exactly.
4 It's metal caging with plexiglass over it, but you
5 can see right over it. You can see out on that.
- 6 Q. So the inmates can see, like, through the
7 front windshield through the plexiglass?
- 8 A. Yes.
- 9 Q. And is that on all vans?
- 10 A. It's just on those vans with no cages,
11 like separate cages, I guess.
- 12 Q. Okay. And can you see the inmates? Can
13 you monitor the inmates then through the plexiglass
14 partition?
- 15 A. Yes.
- 16 Q. Do any of the vans have a metal partition
17 that you can't see the inmates through?
- 18 A. No. The vans are also equipped with
19 cameras to the back also. You monitor them.
- 20 Q. Are all the vans equipped with cameras?
- 21 A. Yes.
- 22 Q. And I've seen, like, a police vehicle.
23 They have like dash cam footage that looks ahead.
24 Do any of the vans have dash cam footage?
25 A. No.

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- 1 Q. Okay. So there's one camera then; is that
2 right?
- 3 A. Yes.
- 4 Q. And do those cameras record?
- 5 A. Yes.
- 6 Q. So I could like pull a tape of the day, of
7 the transport for the day and have a recording of
8 the entire transport? Is that what it would do?
- 9 A. Yes.
- 10 Q. Do you know if those are stored or where
11 they are stored?
- 12 A. So at the end of the day of transport, we
13 have to leave the hard drive on our supervisor's
14 desk and they download them onto the computer.
- 15 Q. Okay. And your supervisor in June of last
16 year was Crystal Beltran?
- 17 A. Yes.
- 18 Q. Okay. What other equipment is in the van?
19 Do you have like a lapel camera or any other camera
20 on your person?
- 21 A. No.
- 22 Q. Do you ever bring like a hand-held camera
23 in case of emergency that needs to be recorded?
- 24 A. No.
- 25 Q. Are you or your other transport officers

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- 1 armed with any weapons on the transport?
- 2 A. Yes.
- 3 Q. What weapons?
- 4 A. The standard -- the handgun, the 48 Glock.
- 5 Q. And all transport officers have that
6 weapon on them?
- 7 A. At least one of us would.
- 8 Q. Okay. So not always both but at least one
9 officer would have one?
- 10 A. Yes.
- 11 Q. So the camera facing the back, is there a
12 monitor that you can monitor the inmates through the
13 camera?
- 14 A. Yes.
- 15 Q. Okay. Where is that?
- 16 A. It's on the front panel, like where the AC
17 controls are at in the front with us.
- 18 Q. And so let me make sure I understand.
19 Does every transport have two transport officers?
- 20 A. Yes.
- 21 Q. Okay. Is it one officer's job to be
22 monitoring the inmate on the camera or the monitor?
- 23 A. Yes.
- 24 Q. So they are always monitored then?
- 25 A. Yes.

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- 1 Q. And do you know why you have to monitor
2 the inmates? Is there a policy or a reason the
3 inmates are monitored during the transport?
- 4 A. Just to prevent escape. You don't want no
5 escapes for the safety of yourself or other inmates.
6 In case they get attacked or something is going on
7 in the back. We also have inmates that self-harm.
8 We make sure that's not happening.
- 9 Q. I'm sorry, you cut out for a second. They
10 sell what?
- 11 A. We also transport inmates that harm each
12 other or themselves, so we have to try to prevent
13 that from happening.
- 14 Q. Okay. And then if you're monitoring it
15 and something like that happens and the inmate
16 starts self-harming, you can pull over and help
17 them; is that right?
- 18 A. Not necessarily. We can't really pull
19 over.
- 20 Q. Okay. So if an inmate is cutting, somehow
21 he gets an instrument to self-harm, a screw or
22 something in the back of the van and they're
23 self-harming, you can't pull over to help them? Is
24 that what you mean?
- 25 A. Yes. The only thing we can basically do

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1 Q. Okay. I'm going to attach this as Exhibit
2 2.
3 THE COURT REPORTER: I think you have an
4 Exhibit 2.
5 MS. QUIJANO: We will do the transport
6 log, these pages as Exhibit 2 to your deposition.
7 My drawing will be Exhibit 3 to your deposition.
8 (Note: Exhibit 3 marked.)
9 Q. One more thing to add to Exhibit 3. Where
10 are the cameras positioned in this van?
11 A. I'm sorry, what was that?
12 Q. I'm so sorry. Hold on one second. I
13 already have Exhibit 1 and 2. What was Exhibit 2?
14 Okay. Jan, I am so sorry. So the SIR inspection is
15 Exhibit 1. These inspections are Exhibit 2. The
16 transport log is Exhibit 3 and my drawing will be
17 Exhibit 4. Thank you, Sofie, for keeping track of
18 that.
19 (Note: Exhibit 4 marked.)
20 Q. (By Ms. Quijano) Okay. So now in Exhibit
21 4, where are the cameras positioned in this van?
22 A. It's in the back with the inmates. I
23 mean, it's in the back area with them facing the
24 inmates, the seats.
25 Q. Okay. Is it like on the front of the van

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1 facing backwards towards the inmates or in the back
2 of the van facing forward?
3 A. It's in the front facing backwards.
4 Q. So that would be here somewhere then,
5 right?
6 A. Yes.
7 Q. So is it in the middle? Is it on the
8 corners here? Do you know where?
9 A. It's like the middle. Yeah.
10 Q. Okay. And if we look at this inspection
11 from that day, the second page here, the first page
12 here under Security here we have "Video Surveillance
13 Operable" and it says "Inspection Done," and I don't
14 see any defect; is that right?
15 A. Yes.
16 Q. So the cameras were working that day?
17 A. For the inspection --
18 Q. Is that right?
19 A. Probably for the inspection but we had
20 been having issues with those cameras, because once
21 you start driving they go out within, like, 30
22 minutes to an hour in the drive.
23 Q. Did that happen this day in the 5389 van?
24 A. Yes, I believe so. I think I documented
25 it on the log.

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1 Q. Okay. Let's look at the log. I see here
2 "7:00 a.m. Wellbeing check, no problems to report.
3 Camera not working." Is that what you're talking
4 about?
5 A. Yes.
6 Q. Okay. So that is, if I'm understanding
7 your log, to be an hour into your drive; is that
8 right?
9 A. Yes.
10 Q. So the first hour you were able to monitor
11 the inmates; is that right?
12 A. Yes.
13 Q. And that's recorded?
14 A. Yes.
15 Q. I just want to be sure before I stop
16 drawing on this lovely exhibit. This is where the
17 camera is then?
18 A. Yes.
19 Q. Let's talk about the transport. Can you
20 see the transport log here?
21 A. Yes.
22 Q. So go ahead and look at that if you can't
23 remember and you can let me know if the information
24 you're getting it from the log, okay? So when you
25 left the facility in Los Lunas, who was driving?

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1 A. Jose Cordero.
2 Q. And do you guys switch off driving over
3 the course of the transport or does one of you drive
4 that day and the other drive a different day?
5 A. We'll switch out throughout the course of
6 the transport.
7 Q. So in this first leg from 6:00 a.m. until
8 the blowout on the highway, Jose Cordero was
9 driving?
10 A. Yes.
11 Q. Is that right?
12 A. Yes.
13 Q. So when the tire blew out, what happened?
14 Did you hear it? Did the inmates notify you? Did
15 you see it on the camera?
16 A. Jose Cordero is the one that noticed
17 something was wrong. He said, "Something is wrong.
18 I think we got a flat," and that's when he pulled
19 over.
20 Q. Okay. And what did you do after the van
21 pulled over? You pull over. What happened next?
22 A. We pulled over. Jose and I both proceeded
23 outside the van to inspect it and that's when we
24 noticed one of the rear tires were blown out.
25 Q. Okay. And then is this when you called

17 (Pages 62 to 65)

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1 A. Yes.

2 Q. Any explanation of why you guys have the
3 same typos in your reports?

4 A. I don't know. I couldn't answer that.

5 Q. All right. Let's keep going through this.

6 Here in the middle of the report, "At 12:45 p.m. all
7 inmates are secured and after refueling, we depart
8 PNM." And in your report, "At 12:45 p.m. all
9 inmates are secured and accounted for by name and
10 number." It's slightly different, but you have the
11 same like weird verb tense. So I'm noticing
12 throughout the entire report, it's nearly identical
13 in all of your typos and all the grammatical errors.

14 Are you sure that you both wrote your own reports?

15 A. Yes.

16 Q. Are you surprised that you guys have the
17 same typos throughout your entire report?

18 A. No.

19 Q. It's a common thing for you guys to spell
20 the same thing incorrectly?

21 A. I would say the same errors and lingo. I
22 mean, we all work for the same place. We have the
23 same terms, I guess.

24 Q. Well, tire tread is not a prison term,
25 right? That's just a tire term.

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1 A. Okay.

2 Q. And both of you spelled it "treed," which
3 seems bizarre, don't you think?

4 A. I don't know. I can't answer that.

5 Q. And even so far as like the spaces that
6 are missing between words. Is that odd to you that
7 you guys both forgot to add a space between words in
8 the same places?

9 A. No.

10 Q. Is it possible Jose Cordero just copied
11 your report and signed his own name?

12 A. I don't know. I couldn't answer for him.

13 Q. All right. It's just about 1:50. Let's
14 take another ten-minute break and come back at 2:00.
15 Does that work for everyone?

16 (Note: The deposition stood in recess at
17 1:50 to 2:00.)

18 Q. (By Ms. Quijano) So I am wondering about
19 how you store the camera footage from the van. What
20 do you do to pull that camera footage off?

21 A. So when our transport is completed, after
22 every run we'll take the hard drive out and then we
23 just set it on the supervisor's desk and either that
24 day or the next morning they will download all the
25 footage onto their program.

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1 Q. So it's like -- I thought I had a hard
2 drive here. It's like a block with memory in it?

3 A. Yeah, it's like a big rectangular block.

4 Q. And it physically just pulls out and you
5 set it down on the desk?

6 A. Yes.

7 Q. And they save it somewhere. Do you know
8 where they save it?

9 A. I know they download the videos. They
10 have their own program so I don't know.

11 Q. So then this day at least the Van 5389 did
12 have footage for at least an hour; is that right?

13 A. Yes.

14 Q. Did you remove the video that day?

15 A. Yes.

16 Q. So the 5389 van --

17 A. I'm sorry. I didn't because that's the
18 van that broke down and we never drove that van
19 back.

20 Q. Do you know what happened to the video?

21 A. I have no idea.

22 Q. Okay. Did you pull any video that day
23 from the vans?

24 A. No.

25 Q. Do you know where the Van 5389 returned

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1 to? Did it go back to Central?

2 A. From what I know it went back to Central
3 to the -- I guess back to the garage parked there so
4 they could work on it.

5 Q. Okay. Do you know what post orders are?

6 A. Yes.

7 Q. What is a post order?

8 A. Basically just the rules that we have to
9 abide by on our post that we're at.

10 Q. Are they posted somewhere that you look at
11 every day? Are there special instructions for the
12 day's post or are they the same every day?

13 A. They are put inside of a three-ring binder
14 and set there at the post so we can read them.

15 Q. Are they physically in the facility there
16 in the binder?

17 A. Yes.

18 Q. Are they updated every day?

19 A. Not every day, no.

20 Q. Do you know how often they are updated?

21 A. I have no idea. Whenever they make
22 changes, I guess, they will update it.

23 Q. Are you notified when it's changed?

24 A. Usually they put out memos for another --
25 for a change on any kind of policy.

30 (Pages 114 to 117)